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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,114	02/20/2004	Masahiko Yamamoto	1217-040374	7704

7590 08/09/2005  
Kent E. Baldauf  
700 Koppers Building  
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EXAMINER

KOCH, GEORGE R

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/783,114

**Applicant(s)**

YAMAMOTO ET AL.

**Examiner**

George R. Koch III

**Art Unit**

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 20-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 40-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/7/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of group I, claims 1-19 and 41-46 in the reply filed on 5/16/2005 is acknowledged. The traversal is on the ground(s) that it is unlikely that the apparatus could be used to perform a label inspecting method. This is not found persuasive because the apparatus can perform the suggested methods and other methods. Furthermore, the apparatus could be used with non-separated film, such as in the admitted prior art or as in JP 2001-345345.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

2. Figure 13 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include at least the following reference sign(s) mentioned in the

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description: #60 (alleged to be in Figure 6, see paragraph 0165). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-4, 6-19 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadahiko (JP 2001-345345) and Focke (US 4,960,234)

With regard to claims 1-4, Sadahiko (for example, Figure 1) essentially discloses the applicant's admitted prior art, in further detail. Sadahiko discloses a single unwinding reel and device (item 20), a single inspecting station (item 30), and a single rewinding or takeup device (item 50) for taking up the film carrier tapes in order to perform the method as claimed for a single stripe of film carrier tape.

Sadahiko, however, does not suggest the film carrier tapes are cut or separated by a slit device or prior operations, or that the inspection device can handle multiple stripes.

However, Focke discloses that it is known to slice tape or packaging material prior to manufacturing (see Figures 1 and 2, and item 16). One in the art would appreciate that the slit ensures that the web is cut to the proper width before further operations, and would increase productivity. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to have utilized such slitting or separated webs in order to increase productivity. Furthermore, duplication of parts is obvious (see MPEP 2144.04 VI B). One in the art would appreciate that the duplication of the web and takeup reels would enable an duplication of the amount of inspection and web production to take place.

As to claims 6 and 43-45, Sadahiko discloses a drive gear (see items 33 and 34 and paragraph 0024 of the translation). Sadahiko discloses that the drive gear interacts

with the sprocket holes of the film carrier tape. Furthermore, Sadahiko as modified in claim one above would render multiple end gear and intermediate components obvious.

As to claims 7-11, neither Sadahiko nor Focke disclose the details of the duplicated web reels. However, official notice is take that it is well known and conventional to use either single or separate takeup shafts with engaging members, or air shafts. One in the art would appreciate that such details would enable the process of Sadahiko to be used for multiple webs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such structures in order have multiple reels.

As to claims 12 and 13, Sadahiko discloses a microscope in the inspection station. Sadahiko does not disclose a magnifying lens or that the magnification is 1.4 or larger. However, official notice is take that it is well known and conventional to use magnifying lens with a magnifying ratio of 1.4 or greater in conjunction with the microscope of Sadahiko. One in the art would appreciate that the lense would enable more accurate inspection of the film carrier tape by enlargening the view. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a magnifying lense in order to ensure that the errors and flaws in the tape are viewable.

As to claims 14-17, Sadahiko discloses a dancer roller (item 60 and 80)between the unwinding device and the inspecting section, and a dancer roller between the

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inspecting station and the takeup device. Furthermore, Sadahiko as modified in claim one above would render multiple dancer rollers obvious.

As to claims 18, Sadahiko discloses a looseness control device (items 71, 72, and 73 for the unwinding side, items 91, 92, and 93 for the takeup side) for detecting the position of the dancer rollers.

Furthermore, as to claim 19, Sadahiko does not disclose the additional moveable guide member as claimed, i.e., additionally dancing elements. However, official notice is taken that it is well known and conventional to utilized additional dancing elements in order to ensure that the film is properly slack and thus properly positioned under the inspection section. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention have utilized additional dancing elements in order to ensure that the film is properly positioned.

7. Claims 5 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadahiko and Focke as applied to claims 1-4 above, and further in view of Hasegawa (JP 2001-035891).

As to claims 5, 40-42, Sadahiko disclose a support member under the inspection device, but does not go into detail as to the guide member functions.

Hasegawa discloses a guide device for controlling the positioning of the tape during an inspection. Hasegawa discloses side guide portions and protrude portion for mounting the electronic components (see solution - alignment pins 26, 28, for example). Hasegawa discloses that the structures enable accurate alignment of the tape for

inspection. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such structures in order to accurately align the tape. Furthermore, Sadahiko as modified in claim one above would render multiple guide portions obvious.

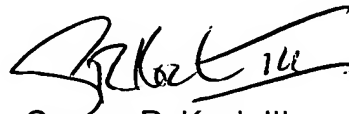
As to claims 46, Sadahiko discloses a drive gear (see items 33 and 34 and paragraph 0024 of the translation). Sadahiko discloses that the drive gear interacts with the sprocket holes of the film carrier tape. Furthermore, Sadahiko as modified in claim one above would render multiple end gear and intermediate components obvious.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "GRK III", is positioned above the printed name.

George R. Koch III  
Patent Examiner  
Art Unit 1734

GRK  
8/8/2005